IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 671 OF 2006

D-1 Dwarkesh Park Co-op.
Hsg. Soc. Ltd, . .. Petitioners.

vs.

Tahsildar Borivali
& Ors. .. Respondents.

Sumedha Rao for petitioners.
Mr. M.D. Naik, AGP, for respondent nos.1 to 3.
Mr. Anuj Narula i/by Jhangiani Narula & Asso. for R. No.4.

CORAM : S.U. KAMDAR, J.
DATE : 13th March, 2006.

P.C.:

. The learned counsel for the petitioner states that the petitioner is ready and willing to pay the non-agricultural assessment tax in so far it pertains to the portion of the land which is occupied by the petitioner society. The learned counsel for the State states that the claim is raised only in respect of that portion of the

society. It will be open for the petitioner to ascertain from the Department whether the claim made by them is only in respect of the property which is the subject matter of their occupation and also whether other persons have paid their respective share of the non-agricultural assessment tax for the portion in their respective possession. On such ascertainment being made the petitioner undertakes to pay the necessary non-agricultural assessment tax within a period of four weeks from today. The respondent no. 1 will be at liberty to furnish the necessary Xerox copies of the documents and the petitioner will make payment accordingly. Petitioner will also be liable to pay penalty and interest charges in respect of the assessment of non-agricultural assessment in respect of the portion of the land in their occupation and possession and which is not paid. Department will be at liberty to take action for recovery of the aforesaid amount on expiry of the period of five weeks if necessary payment is not made. Petition disposed of accordingly.